

SP-1743.1 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brandon A. Bartling et al. Art Unit : 1745  
Serial No. : 10/743,585 Examiner : Gregg Cantelmo  
Filed : December 22, 2003  
For : Tab System for a Metal-Air Electrochemical Cell

## DECLARATION UNDER 37 CFR §1.132

I, Robert B. Dopp, do hereby declare and say:

My home address is 1925 Fields Pond Glen, Marietta, GA 30068.

I have a Bachelor of Science degree in Biology from the University of Wisconsin.

I have been worked in the field of air cell batteries since 1978.

I was employed by Rayovac Corporation from 1978 until 1997 (Principal Engineer, Micro-power Division, Zinc Air Development), by AER Energy Resources, Inc. for about 6 months in 1997, and by Electric Fuel Limited (E.F.L.) from 1997 through 2002 (Director of Research - New Products, Manager of Marietta GA Laboratory). Since the beginning of 2003, I have been a private consultant in the field of zinc air batteries; Eveready Battery Company, Inc., the assignee of the above-identified patent application, is a current client.

I declare that I am a co-inventor of US Patent No. 4,649,090, entitled Seal Tab for a Metal-Air Electrochemical Cell, issued March 10, 1987. The metal-air cell disclosed in this patent contained added mercury, in the form of amalgamated zinc. During the 1980's commercially available zinc air cell batteries typically contained added mercury because no manufacturer had found an alternative to successfully control hydrogen gassing. One skilled in the art of zinc air cell batteries during the 1980's would have known this and, upon reading a patent publication with a filing date in the 1980's on the subject of zinc air batteries, would have expected that zinc air cells disclosed would have contained added mercury unless the publication stated otherwise.

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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Signed:

10 July 2007  
Date

Robert B. Dopp

